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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,428	08/19/2003	Douglas Marquis	0050.2057-000	4550
21005	7590	03/30/2007	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.			DADA, BEEMNET W	
530 VIRGINIA ROAD			ART UNIT	PAPER NUMBER
P.O. BOX 9133			2135	
CONCORD, MA 01742-9133				

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/643,428	MARQUIS ET AL.
Examiner	Art Unit	
Beemnet W. Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-34 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 8/19/03 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Markham S. T. M.  
AU2135

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/19/03  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-34 have been examined.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 1, 13 and 25 are directed to communication of data flow from a low security assurance to a high security assurance. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. Claims 1, 13 and 25 are directed to functional descriptive material (i.e., software, see specification page 4, lines 26-30). Claims 1, 13 and 25 are rejected as being directed to functional descriptive material (i.e., computer program). Claims 2-12, 14-24 and 26-34 depend from claims 1, 13 and 25 and are rejected under the same rationale.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore "Network Pump(NP) Security Target", May 29, 2000 (hereinafter Moore).

7. As per claim 1, 13, 25 and 26-34, Moore teaches a method of communicating data from a low security assurance source to a high security assurance destination (see section page 1, section 1.2 and page 3, chapter 2) comprising:

receiving data from a low security assurance source according to a communication protocol and transferring the data to a high security assurance destination according to the communication protocol (i.e., NP receiving data from Low Wrapper and transferring the data to high Wrapper) [page 6, steps 2 and 3];

receiving a high end acknowledgment according to the communication protocol from the high security assurance destination (i.e., NP receiving acknowledgment from High Wrapper) [page 6, step 4];

generating an acknowledgment trigger signal in response to the high end acknowledgment (i.e., NP generating an acknowledgment delay based on the current value of moving average, note that the value of moving average is based on acknowledgment received from the High Wrapper)[page 6, steps 2-4]; and

generating a low end acknowledgment according to the communication protocol in response to the acknowledgment trigger signal (i.e., NP transmitting an acknowledgment to the Low Wrapper) [page 2, step 2].

8. As per claims 2 and 14, Moore further teaches the method further comprising: determining whether to generate an acknowledgment trigger signal [page 6, step 2].

9. As per claims 3 and 15, Moore further teaches the method wherein determining whether to generate the acknowledgment trigger signal comprises: determining whether the high end

acknowledgment includes information data and generating no acknowledgment trigger signal if information data is included in the high end acknowledgment [page 6, step 2 and pages 38-39].

10. As per claims 4 and 16, Moore further teaches the method wherein determining whether to generate the acknowledgment trigger signal comprises: determining whether the low security assurance source is authorized to receive acknowledgments, and generating no acknowledgment trigger signal if the low security assurance source is not authorized [page 6, step 2 and pages 38-39].

11. As per claims 5 and 17, Moore further teaches the method further comprising: delaying the acknowledgment trigger signal in order to delay generation of the low end acknowledgment [page 6, step 2].

12. As per claims 6, 7, 18 and 19, Moore further teaches the method wherein the acknowledgment trigger signal includes header data for generating the low end acknowledgment [page 6, steps 2-4].

13. As per claims 8-12 and 20-24, Moore further teaches the method wherein the acknowledgment trigger signal is an binary enable signal and tracking a sequence of plural data transmission units transferred to the high security assurance destination and generating the acknowledgment trigger signal if the received high end acknowledgment corresponds to a next unacknowledged data transmission unit in the tracked sequence [page 6, steps 2-4, 7 and page 7, Message and Acknowledgment Ordering section].

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

March 23, 2007

*✓ Thank you B. TM  
AUZLS*